

ENTERED

January 18, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

GARY DON BEASON,

Plaintiff,

VS.

WARDEN HOLMES,

Defendant.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 2:23-CV-00163

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

On December 15, 2023, United States Magistrate Judge Mitchel Neurock issued his “Memorandum and Recommendation of United States Magistrate Judge” (D.E. 23). Plaintiff was provided proper notice of, and opportunity to object to, the Magistrate Judge’s memorandum and recommendation. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

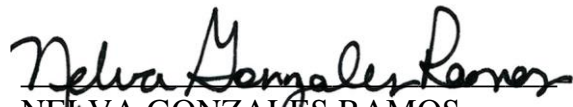
When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs. Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s memorandum and recommendation (D.E. 23), and all other relevant

documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Court:

- **DISMISSES** without prejudice Plaintiff's claims against Warden Holmes in his official capacity for monetary relief;
- **DISMISSES** without prejudice Plaintiff's Fourteenth Amendment claim against Warden Holmes in his official capacity for injunctive relief;
- **DISMISSES** with prejudice all of Plaintiff's remaining claims.
- **IMPOSES** a "strike" for purposes of 28 U.S.C. § 1915(g) and **DIRECTS** the Clerk to send notice of the dismissal to the manager of the Three Strikes List for the Southern District of Texas at Three_Strikes@txs.uscourts.gov.

ORDERED on January 18, 2024.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE